

Public Authority	COMMERCE DEPARTMENT
Description of the Department's structure	The Commerce Department is headed by Director General Commerce and comprises two directorates namely the Industrial Property Registrations Directorate and the Trade Services and Projects Directorate. The Crafts, SOLVIT, IMI and Copyright Unit also forms part of the Commerce Department.
Description of Directorate/Units functions and responsibilities	<p><b><u>Industrial Property Registrations Directorate</u></b></p> <p>Responsible for the registration of trademarks, certification marks, collective marks and designs; patenting of inventions; issuing of supplementary protection certificates in respect of medicinal and plant protection products; Recording of transfers, cancellations, amendments and renewals regarding trademarks, patents and designs; providing support to the Copyright Board; and Coordinating the drafting of legislation relating to intellectual property; Providing input on related EU directives and regulations as well as international treaties; Participating in international and EU meetings as required.</p> <p><b><u>Trade Services and Projects Directorate</u></b></p> <p>Responsible for the issuing of Trade Licences in respect of Street Hawkers; Market Hawkers; Auctioneers; Car Boot Sales; Door-to-Door Sales; Marketing Agents; and Commercial Fairs &amp; Exhibitions.</p> <p>Within the same directorate there also is the Import/Export Unit responsible for the issuing of trade related licences.</p>

	<p>Licences concerning imports can be of two kinds. Import Licences for goods listed in Schedules I and II of the Import Control Regulation SL117.14. Other licences known as Surveillance Documents are used for imports into the European Union of aluminium or iron and steel products by importers established in Malta.</p> <p>Export licences can be fall under three categories. Those arising entirely from local legislation S.L.117.02, and there are also S.L.365.12 and S.L.365.13 which deal with dual-use items and military equipment export and transshipment.</p> <p>The Unit also endorses what is known as ‘Costings applications’ which concern clearances of pharmaceutical products transiting Malta for onward forwarding to other countries.</p> <p>The Unit has recently been appointed as Competent Authority on Conflict Minerals.</p> <p><b><u>Crafts, SOLVIT, IMI &amp; Copyright Unit</u></b></p> <p>The Unit is responsible for the crafts register and undertakes initiatives to update and maintain this register. The Unit also acts as the Malta SOLVIT centre, which is part of the EU SOLVIT Centre network that aims to resolve problems that citizens and businesses encounter when exercising their Internal Market rights. This Unit is the IMI Coordinator for Malta. IMI is an online platform which helps Competent Authorities communicate with their counterparts in other EU Member States. The Unit also carries out certain duties in the area of copyright, mainly to following discussions at Eu level in the area and carrying out any necessary legislative changes. It is also responsible for the organisation of the National Supporting Business Awards on an annual basis, as a result of which two initiatives are nominated to represent Malta in the European Enterprise Promotion Awards.</p>
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<p>General description of the categories of documents the department/directorate/entity holds (including exempt documents)</p>	<p><b><u>Industrial Property Registrations Directorate</u></b></p> <p>Application and registration documents related to Trademarks, Patents and Designs.</p> <p><b><u>Trade Services and Projects Directorate</u></b></p> <p>General correspondence files with all Licensees and application forms and containing</p>
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	<p>the application form proper, correspondence exchanged with the applicants, and proof of payment.</p> <p>The Import and Exports Unit holds records on all applications for dual-use and military licences issued in the past.</p> <p>With regards to records on import and export licences emanating out of Regulations SL117.02 and SL117.14 only the records of the last 3 years are retained. Records of all Costings applications are also retained.</p> <p><b>Crafts, SOLVIT, IMI &amp; Copyright Unit</b></p> <p>Information about Crafts Persons registered with the Registrar for Crafts, Crafts Persons and Crafts Entrepreneurs; information about participants in the National Supporting Business Awards (NSBA); information on SOLVIT cases and information about Public Officers registered in IMI.</p>
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<p>Description of all manuals and similar types of documents which contain policies, principles, rules or guidelines in accordance with which decisions or recommendations are made in respect of members of the public (including bodies corporate and employees of the public authority in their personal capacity)</p>	<p><b><u>Industrial Property Registrations Directorate</u></b></p> <p>The PSMC is used as the guiding document on which decisions or recommendations are made as applicable. National IP legislation namely the Copyright Act (Cap 415), the Trademarks Act (Cap 597) and the Patents and Designs Act (Cap 417), is also referred to accordingly, to take decisions or make recommendations in relation to trademark, patent and design applications and enquiries and in relation to requests for guidance in the area of copyright.</p> <p><b><u>Trade Services and Projects Directorate</u></b></p> <p>The staff are guided by the provisions that are listed in the Trade Licensing Act and the Subsidiary Regulation 441,07 Trade Licensing Regulations.</p> <p>There are various internal manuals which guide the Imports and Exports Units operations.</p> <p>On imports and exports arising out of local regulations there is a manual listing the licensable items and details as to which authority is required to endorse the application and other notes. Part of this manual is released to the public online.</p> <p>There is a file with approved signatories and specimen signatures organised by entity. The Unit also holds a repository of emails containing decisions on specific HS codes (product groups) which guide processing decisions.</p>
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	<p>Specific guidelines on the processing of import and export licences of petroleum products in view of the specific permutations related to this product.</p> <p>Guidelines on processing of surveillance applications were drafted for staff but are mostly published to public on our website.</p> <p>With regards to dual-use and military licences there are different schemas which guide compulsory information and supporting documentation requests, Guidelines on processing of surveillance applications were drafted for staff but are mostly published to public on our website.</p> <p>The licences that are granted by the Department are published on the departmental website and includes basic licence details i.e. licence number, licence holder, type and date of issue.</p> <p>Given the sensitivity of the matter no information is provided by the Imports and Exports Unit, other than the basic numerical data for internal consumption.</p> <p><b>Crafts, SOLVIT, IMI &amp; Copyright Unit</b></p> <p>The PSMC is used as the guiding document on which decisions or recommendations are made as applicable. The Copyright Act (Cap 415) and its subsidiary legislation are referred to in relation to requests for guidance in the area of copyright. The Crafts Act (Cap 613) and the accompanying subsidiary legislation are referred to on matters relating to the crafts and the crafts register. In matters and cases relating to SOLVIT and IMI, the Unit abides by the procedures and guidance set by the EU teams responsible for these areas. More information on SOLVIT and IMI is available on the following links: <a href="https://ec.europa.eu/solvit/index_en.htm">https://ec.europa.eu/solvit/index_en.htm</a> <a href="https://ec.europa.eu/internal_market/imi-net/index_mt.htm">https://ec.europa.eu/internal_market/imi-net/index_mt.htm</a></p> <p>.</p>
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<p>Statement of the information that needs to be available to members of the public who wish to obtain access to official documents from the public authority, which statement shall include particulars of the officer or officers to whom requests for such access should be sent.</p>	<p>The FOI officer/s of the Commerce Department may be contacted by e-mail <a href="mailto:foi.commerce@gov.mt">foi.commerce@gov.mt</a> or by telephone 21226688.</p> <p>FOI Requests may be submitted by e-mail to <a href="mailto:foi.commerce@gov.mt">foi.commerce@gov.mt</a>, through the FOI Portal <a href="http://www.foi.gov.mt">www.foi.gov.mt</a> via the e-ID or through the online form.</p>
<p>Details of Internal Complaints Procedure</p>	<p>An applicant whose request for information is refused or who is otherwise not satisfied with the information provided, its format or the extension of the deadline for the submission of the requested information, may address a complaint to the Director General Commerce. This may be done by submitting an e-mail to <a href="mailto:foi.commerce@gov.mt">foi.commerce@gov.mt</a>, through the FOI portal <a href="http://www.foi.gov.mt">www.foi.gov.mt</a> via the e-ID or through the online form.</p> <p>Director General Commerce shall reply to the applicant within 10 working days from the receipt of the complaint. The applicant shall also be informed that s/he may appeal the decision or otherwise address a complaint to the Information and Data Protection Commissioner in accordance with the Freedom of Information Act (Cap. 496 of the Laws of Malta).</p>

	<p>Director General Commerce shall inform the applicant of the decision taken with respect to his or her complaint, and in the event of confirmation of a decision not to release the pertinent information, shall explain the reasons thereof. Whenever the applicant's complaint is related to the format of the information provided or to an extension of the deadline for the submission of information by the Ministry, and the original decision is upheld, the applicant shall be given an explanation as to why his or her complaint cannot be positively addressed.</p> <p>An applicant may also make use of the Internal Complaints Procedure to report failure to meet deadlines or to send notifications. In those cases where the request for information can be met, but has not been met within the deadlines specified by the Act the officer responsible shall waive any applicable fees for the submission of information.</p>
Other Information	<p>Working hours:  October 1 to June 15: 7:00 – 12.30, 13:00 – 16:15  June 16 to September 30: 7:00 – 13:00</p> <p>Emails received on weekends/public holidays will be replied to on the next working day.</p> <p>Payments can be made in cash at the address indicated below or by cheque payable to Director General Commerce.</p>
Public Authority Contact Details	<p>Commerce Department  Lascaris Bastions,  Dahlet Ġnien is-Sultan,  Valletta VLT 1933</p> <p>Tel : 21 226688  Email : <a href="mailto:commerce@gov.mt">commerce@gov.mt</a></p>



